

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN INSURANCE
COMPANY,

Plaintiff,

v.

CAROL THORN, JOLEEN LEEA COLON;
DALE EUGENE KIRKINDOLL; ELIZABETH
S. KIRKINDOLL; THOMAS HOLT
KIRKINDOLL; JAMES W. GRIFFIN; SANDRA
L. GRIFFIN; PATRICK A. BELT;
CHRISTOPHER B. BELT; GENE
STEGMAIER; ESTATE OF WILLIAM R
KLAUSS, a deceased minor, LV STABLE
MEMORIAL HOSPITAL; DRPT. LAKE
REHABILITATION CENTER; BUTLER
COUNTY EMERGENCY MEDICAL
SERVICES.

Defendants.

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* CIVIL ACTION NUMBER:

ANSWER OF DEFENDANT'S DALE EUGENE KIRKINDOLL, ELIZABETH S.
KIRKINDOLL AND THOMAS HOLT KIRKINDOLL TO PLAINTIFF'S AMENDED
COMPLAINT

COME NOW Defendants, Dale Eugene Kirkindoll, Elizabeth S. Kirkindoll, and Thomas Holt Kirkindoll ("the Kirkindoll defendants") and hereby answers Plaintiff Progressive's amended complaint as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted to the extent the corporations are organized under the laws of either the state of Alabama or the state of Louisiana. Denied to the extent paragraph 8 denotes any one other than the Kirkindoll defendants is entitled to the monies at issue.

9. Denied based upon lack of information.

10. This paragraph does not require a response from the Kirkindoll defendants.

11. Admitted.

FIRST AFFIRMATIVE DEFENSE

Defense Plaintiff's complaint failed to state a ground or a claim upon which release may be granted.

SECOND AFFIRMATIVE DEFENSE

Defense Progressive has no standing to assert that persons or entities other than the Kirkindoll defendants who have filed suit or made a claim have a right to any of the interplead proceeds.

THIRD AFFIRMATIVE DEFENSE

Defense the Kirkindoll defendants preserve their right to assert other affirmative defendants including claims for attorney fees, costs and interest in the matter.

FOURTH AFFIRMATIVE DEFENSE

Defense the Kirkindoll defendants request attorney fees in this matter.

FIFTH AFFIRMATIVE DEFENSE

Defense the Kirkindoll defendants assert that the defendants who have failed to answer or otherwise appear in this case are not entitled to the interplead proceeds this substance of this action.

Respectfully submitted,

JACKSON, FOSTER & GRAHAM, LLC
Post Office Box 2225
Mobile, AL 36652
251-433-6699
251-433-6127

BY: /s/ SIDNEY W.JACKSON, III
SIDNEY W. JACKSON, III (JAC024)
MATHEW B. RICHARDSON (RIC050)

CERTIFICATE OF SERVICE

I hereby certify that I have on this day 25th of August, 2006, served a copy of the foregoing pleading with te Clerk of the Court using the CM/CEF system which will send notification of such filing to the following:

R. Larry Bradford, Esq.
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/s/ SIDNEY W.JACKSON, III